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OFFICE OF PETITIONS

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12400 Wilshire Boulevard
Seventh Floor
Los Angeles CA 90025

In re Application of:	:	
Yu Zhou	:	
Application No. 09/778,997	:	DECISION ON PETITION UNDER
Filed: February 8, 2001	:	37 C.F.R. § 1.137(B) AND
Attorney Docket No. 006780.P001	:	RENEWED PETITION UNDER
Title: PROCESS FOR SYNTHESIZING	:	37 C.F.R. §1.137(F)
METAL BOROHYDRIDES	:	
	:	

This is a decision on the two petitions concurrently filed on January 30, 2007, pursuant to 37 C.F.R. §§1.137(b) and (f), to revive the above-identified application.

The petition under 37 C.F.R. §1.137(b):

The petition under 37 C.F.R. §1.137(b) is **DISMISSED AS MOOT**. The petition fee has been refunded to Petitioner's deposit account, as authorized in the petition.

The renewed petition under 37 C.F.R. §1.137(f):

A grantable petition pursuant to 37 C.F.R. § 1.137(f) must be accompanied by:

- (1) Notification of the filing of an application in a foreign country or under a multinational treaty that requires 18 month publication¹;
- (2) The petition fee as set forth in 37 C.F.R.

¹ See PTO/SB/36 and paragraph on PTO/SB/64a for further information. Both may be downloaded at <http://www.uspto.gov/web/forms/index.html>.

- § 1.17(m), and;
- (3) A statement that the entire delay in filing the notice from the date that the notice was due under 35 U.S.C. §122(b)(2)(B)(iii) until the date the notice was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

An original petition was filed on December 11, 2003, where Petitioner set forth that the present nonprovisional application is the subject of an application filed in either a foreign or an international application on February 6, 2002. However, the United States Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

The petition was dismissed via the mailing of a decision on June 7, 2004, for failure to include a copy of a Notice of Rescission of Nonpublication Request. As Petitioner has indicated in the renewed petition, the present application has published in the interim.

With this renewed petition, Petitioner has submitted a Notice of Rescission of Nonpublication Request.

Consequently, Petitioner has met all requirements of 37 C.F.R. § 1.137(f), in that he has submitted the notification of either a foreign or an international filing, paid the petition fee, and has made the proper statement of unintentional delay.

The present petition has been found to be in compliance with 37 C.F.R. §1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. §122(b)(2)(B)(iii) and 37 C.F.R. § 1.213(c) is accepted as having been unintentionally delayed.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the present application can receive further processing in due course.

Petitioner has indicated that "Applicant has not been receiving mail concerning this application..." and has submitted a Power of Attorney and Correspondence Address Indication Form. It is noted that the address on the form matches the official address

of record. As such, if Petitioner is having problems receiving correspondence concerning this application, he may wish to contact his local Post Office.

The general phone number for the Office of Petitions that should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.

A handwritten signature in black ink, appearing to read "Paul Shanowski". The signature is fluid and cursive, with a prominent initial "P" and a long, sweeping underline.

Paul Shanowski
Senior Attorney
Office of Petitions
United States Patent and Trademark Office